

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JUDY M. WALDMAN as Trustee for the :  
Claire Waldman Trust, Individually and on :  
Behalf of All Others Similarly Situated, :  
: Plaintiff, :  
: vs. : **Civil Action No. 1: 08-cv-2913-SAS**  
WACHOVIA CORPORATION, *et al.*, :  
: Defendants. :  
-----x

**GUSTAVO SPOLIANSKY'S NOTICE OF WITHDRAWAL OF**  
**MOTION FOR APPOINTMENT OF LEAD PLAINTIFF**  
**AND APPROVAL OF LEAD COUNSEL**

PLEASE TAKE NOTICE that Movant Gustavo Spoliansky hereby withdraws his motion for appointment as Lead Plaintiff and for approval of his attorneys as Lead Counsel as it appears that Arthur Maxwell, Curlin Inc., Ralph Ohlers, and Jackie Ohlers combined have the largest financial interest and otherwise satisfy the criteria for appointment as Lead Plaintiff. As such, pursuant to the Private Securities Litigation Reform Act of 1995, Arthur Maxwell, Curlin Inc., Ralph Ohlers, and Jackie Ohlers should be appointed Lead Plaintiff by this Court, and Movant Gustavo Spoliansky supports their application. However, if for some unknown or unforeseen reason the Court finds Arthur Maxwell inadequate to represent the Class in this matter, Movant Gustavo Spoliansky would then posses the largest financial interest of any adequate movant and stands ready, willing, and able to serve as Lead Plaintiff for the Class.

Date: June 12, 2008

Respectfully submitted,

LOWEY DANNENBERG COHEN & HART, P.C.

By: \_\_\_\_\_/S/\_\_\_\_\_

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